HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION NO. 10189 OF 2005

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Between:

A. Vengananna and seven others

……Petitioners

And

The Union of India, rep. by Secretary,

Ministry of Environment Department,

New Delhi and eight others

……Respondents

:: JUDGMENT ::

Counsel for the Petitioners : Shri N. Jaya Surya

Counsel for Respondent No.1 : Shri A. Rajasekhar Reddy

Counsel for Respondent No.2 : Advocate General

Counsel for Respondent Nos.3 and 4: Government Pleader for

Mines and Geology

Counsel for Respondent Nos. 5 to 7 : Government Pleader for

Revenue

Counsel for Respondent No.8 : Shri Pannala Srinivas

Counsel for Respondent No. 9 : Smt. N. Shoba

Dated: 01-03-2006

Per G.S. SINGHVI, CJ

In this petition filed in the name of public interest, the petitioners have prayed for quashing of the action of respondent Nos. 5 to 7 in granting mining lease in Chimakurthy mandal in violation of the statutory provisions and for taking action for cancellation of the mining leases. Another prayer made in the writ petition is to direct the respondents to stop quarrying operations adjacent to the public road popularly known as R.L. Puram road, Chimakurthy mandal.

The order sheets of the case shows that by relying on the averments contained in the affidavit dated 24.4.2005 filed by petitioner No.1 Sri A. Vengananna, the Court treated the petitioners as public spirited persons who wanted to highlight the sufferings of the people of the villages where the mines are being operated and issued notice to the respondents. On 15.12.2005, the court allowed W.P.M.P.NO.29508 of 2005 filed by the petitioners and took on record copy of report

dated 12.9.2005 submitted by the advocate-commissioner in C.C.No.467 of 2005. On that day, another order was passed in the main petition and Secretary, Department of Mines, Government of Andhra Pradesh, was directed to file a comprehensive affidavit giving the details of various leases granted in the area. The Secretary concerned was also directed to give details of the violations of the conditions of leases by the grantees and the action taken by the department in each case. The officer was also directed to indicate the impact of mining operations in the area of Sri Ramatheertham Balancing Reservoir Project. On 3.1.2006, the Court, after taking cognizance of the averments contained in the affidavit of Dr. B. Kripanandam, Secretary to Government, Industries and Commerce Department, directed the District Judge, Prakasham to depute an officer of the rank of Additional District Judge to make an on the spot inspection and submit report. In compliance of the last mentioned order, District Judge, Prakasham sent report prepared by Shri V.S.R. Avadhani, 1st Additional District Judge, Prakasham District at Ongole. The same is taken on record.

We have perused the report along with other papers and have heard learned counsel for the parties. In our opinion, even though the issue raised in the petition is of some public significance, the present one is not a fit case for exercising power of this Court under Article 226 of the Constitution of India to nullify the grant of mining leases in the area in question because petitioner Nos. 1 to 7 have not approached the Court with clean hands and have misused the process of law by concealing their identity. In the material papers filed by the official respondents, Mandal Revenue Officer, Chimakurthy Mandal has submitted bio-data of the petitioners, which discloses that except one all of them are employees of Messers Anand Granites Exports Private Limited. We are sure that if the petitioners had disclosed their true identity, the Court would not have entertained this petition as one filed in public interest. In our view, the petitioners have invoked jurisdiction of this Court at the instance of rival in the business. Therefore, the writ petition cannot be treated as one filed in public interest.

For the reasons stated above, we decline to examine the issues raised in the petition and dismiss the writ petition with costs of Rs.10,000/-.

While dismissing the writ petition in the manner indicated above, we make it clear that we have not decided any of the issues raised in the petition including the justification of grant of mining lease in the area in question and it will be open to any public spirited person to invoke the jurisdiction of the Court for appropriate directions.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

01-03-2006

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